

**Jones, Peachie L.**

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**From:** Jones, Peachie L.  
**Sent:** Wednesday, November 2, 2022 1:03 PM  
**To:** 'Elliot Shields'  
**Cc:** David Roth; Audra Roth  
**Subject:** RE: Gursslin: Scheduling Depositions + End of Fact Discovery

**Exhibit B**

Ok, great.

Officer Kent is also available on Nov 8 and 9. Do you still want to try to do them both on Nov. 8?

I haven't heard of any other attorneys asking to videorecord depositions...., but if that situation presented itself, I would require the same thing.

Thank you,

Peachie L. Jones  
Municipal Attorney | City of Rochester Law Department  
p: (585) 428-7992 | [Peachie.Jones@CityofRochester.gov](mailto:Peachie.Jones@CityofRochester.gov)

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**From:** Elliot Shields <eshields@rothandrothlaw.com>  
**Sent:** Wednesday, November 2, 2022 12:30 PM  
**To:** Jones, Peachie L. <Peachie.Jones@CityofRochester.Gov>  
**Cc:** David Roth <droth@rothandrothlaw.com>; Audra Roth <aroth@rothandrothlaw.com>  
**Subject:** Re: Gursslin: Scheduling Depositions + End of Fact Discovery

Peachie, that's unnecessary, as I don't plan to record McClellan.

Does your office require other attorneys to sign stipulations prior to conducting depositions or just me?

Thanks,

Elliot Shields, Esq. (he/him)  
Roth & Roth, LLP  
192 Lexington Avenue, Suite 802  
New York, NY 10016  
T: [\(212\) 425-1020](tel:(212)425-1020)  
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**To:** Elliot Shields <[eshields@rothandrothlaw.com](mailto:eshields@rothandrothlaw.com)>  
**Cc:** David Roth <[droth@rothandrothlaw.com](mailto:droth@rothandrothlaw.com)>, Audra Roth <[aroth@rothandrothlaw.com](mailto:aroth@rothandrothlaw.com)>  
**Subject:** RE: Gursslin: Scheduling Depositions + End of Fact Discovery

Good news. Officer McClellan has confirmed. He/we are available on November 8. – Beginning at 1pm, right?

I am going to draft a Video Stip for all the officers you plan to depose in Gursslin, so we only have to sign and enter one. That is coming.

Thank you,

Peachie L. Jones  
Municipal Attorney | City of Rochester Law Department  
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**From:** Elliot Shields <[eshields@rothandrothlaw.com](mailto:eshields@rothandrothlaw.com)>  
**Sent:** Monday, October 31, 2022 4:28 PM  
**To:** Jones, Peachie L. <[Peachie.Jones@CityofRochester.Gov](mailto:Peachie.Jones@CityofRochester.Gov)>  
**Cc:** David Roth <[droth@rothandrothlaw.com](mailto:droth@rothandrothlaw.com)>; Audra Roth <[aroth@rothandrothlaw.com](mailto:aroth@rothandrothlaw.com)>  
**Subject:** Re: Gursslin: Scheduling Depositions + End of Fact Discovery

Dear Peachie,

I do not anticipate them lasting longer than 2-3 hours, and believe both could be done on November 8.

Thank you,

Elliot Shields, Esq. (he/him)  
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**From:** Jones, Peachie L. <[Peachie.Jones@CityofRochester.Gov](mailto:Peachie.Jones@CityofRochester.Gov)>  
**Date:** Monday, October 31, 2022 at 4:18 PM  
**To:** Elliot Shields <[eshields@rothandrothlaw.com](mailto:eshields@rothandrothlaw.com)>

**Cc:** David Roth <[droth@rothandrothlaw.com](mailto:droth@rothandrothlaw.com)>, Audra Roth <[aroth@rothandrothlaw.com](mailto:aroth@rothandrothlaw.com)>

**Subject:** RE: Gursslin: Scheduling Depositions + End of Fact Discovery

OK. I haven't heard back from them yet, so I will let you know if they are available

Do you anticipate their depositions lasting longer than 2-3 hours? Could we do them both on November 8?

Thank you,

Peachie L. Jones

Municipal Attorney | City of Rochester Law Department

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**From:** Elliot Shields <[eshields@rothandrothlaw.com](mailto:eshields@rothandrothlaw.com)>

**Sent:** Monday, October 31, 2022 3:44 PM

**To:** Jones, Peachie L. <[Peachie.Jones@CityofRochester.Gov](mailto:Peachie.Jones@CityofRochester.Gov)>

**Cc:** David Roth <[droth@rothandrothlaw.com](mailto:droth@rothandrothlaw.com)>; Audra Roth <[aroth@rothandrothlaw.com](mailto:aroth@rothandrothlaw.com)>

**Subject:** Re: Gursslin: Scheduling Depositions + End of Fact Discovery

Peachie,

I just realized that Nov. 9 in the afternoon might be hard for me. If we could schedule it to start around 3 p.m. that could probably work.

Thanks,  
Elliot

Elliot Shields, Esq. (he/him)

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**To:** Jones, Peachie L. <[Peachie.Jones@CityofRochester.Gov](mailto:Peachie.Jones@CityofRochester.Gov)>

**Cc:** David Roth <[droth@rothandrothlaw.com](mailto:droth@rothandrothlaw.com)>, Audra Roth <[aroth@rothandrothlaw.com](mailto:aroth@rothandrothlaw.com)>

**Subject:** Re: Gursslin: Scheduling Depositions + End of Fact Discovery

Peachie,

Nice speaking with you just now. I'll check with my client about the dates for her rescheduled deposition and get back to you; and you'll do the same with the officers. We'll plan on doing McClelland and Kent on Nov. 8 and Nov. 9, pending their availability. Please let me know about my proposal to review the unredacted documents at your office next week, which would help me decide if I need to make a motion.

Thank you,

Elliot Shields, Esq. (he/him)  
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**From:** Jones, Peachie L. <[Peachie.Jones@CityofRochester.Gov](mailto:Peachie.Jones@CityofRochester.Gov)>  
**Date:** Monday, October 31, 2022 at 12:43 PM  
**To:** Elliot Shields <[eshields@rothandrothlaw.com](mailto:eshields@rothandrothlaw.com)>  
**Subject:** Gursslin: Scheduling Depositions + End of Fact Discovery

Elliot,

The fact discovery deadline in *Gursslin* is quickly approaching. I propose that we write to the Court asking for an extension of discovery so we may hold depositions. I would like to show (in the letter) that we have scheduled depositions and have a plan to complete discovery.

Thanks to the flu, I am now behind, so I would like to reschedule Plaintiff's deposition. I propose Mon Dec 5, Mon Dec 12, or Tue Dec 13. – Please let me know which works for you and your client.

You have multiple depositions to take of RPD officers. I have some days available in November if you would like to begin taking them in November. (Other deadlines make it hard for me to prepare to take a deposition on those days, but I can defend them.)

For example, how about the afternoons of Tue Nov 8 or Wed Nov 9 for Officers McClelland and Kent if they are available? You will be here already and I believe we anticipated those being short.

Other days: Tue Nov 29, Wed Nov 30, Fri Dec 9, Fri Dec 16, Mon Dec 19, Tue Dec 20, Wed Dec 21, and Wed Dec 28.

Please let me know about the (1) dates for the depositions, so I can see if/when the officers are available, and (2) proposed letter we send to the Court, which is attached.

Thank you,

Peachie L. Jones  
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